

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CINCINNATI BELL LONG DISTANCE INC.'S)	
PETITION FOR CONFIDENTIAL TREATMENT)	CASE NO.
OF INFORMATION CONTAINED IN ITS)	91-114
ANNUAL REPORTS FOR 1985-1990)	

O R D E R

This matter arising upon petition of Cincinnati Bell Long Distance Inc. ("CBLD") filed March 20, 1991 pursuant to 807 KAR 5:001, Section 7, for confidential protection of its Annual Reports for 1985 through 1990 (the "Reports") on the grounds that disclosure of the information is likely to cause CBLD competitive injury, and it appearing to this Commission as follows:

On February 22, 1991, CBLD was notified that its Annual Reports submitted for 1985 through 1990 would be placed in the public record unless CBLD could satisfy the Commission, by petition, that the Reports were entitled to confidential protection. In response, CBLD has, by this petition, requested the Commission to protect the information from public disclosure as confidential. The information sought to be protected is not otherwise available for public inspection, is not known outside of CBLD, and is not disseminated within CBLD except to those employees who have a business need to know and act upon the information. CBLD seeks to protect the confidentiality of the information through all appropriate means, including the

maintenance of appropriate security at its offices. CBLD maintains that disclosure of the information would provide its competitors with sensitive financial information regarding its operations and marketing strategies, and thereby causing CBLD competitive injury.

807 KAR 5:001, Section 7, protects information as confidential when it is established that disclosure is likely to cause substantial competitive harm to the party from whom the information was obtained. In order to satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

CBLD is a WATS reseller engaging in providing telecommunications services in a tristate area, including Kentucky, Indiana and Ohio. As such, it competes with other telecommunications companies such as AT&T, Allnet, AmeriCall, MCI and U.S. Sprint, each of whom provides services comparable or equal to CBLD. Therefore, the petition satisfies the first test that CBLD demonstrate actual competition. The issue remains, however, whether the information can be used by CBLD's competitors to gain an unfair business advantage.

CBLD maintains that the information sought to be protected reflects the results of its regulatory, financial and marketing strategies and can be used by its competitors to ascertain the extent of CBLD's market, its average revenue per minute of use,

and its costs of providing service. CBLD alleges that with this information, competitors would be able to undermine CBLD's rates and market position in the area in which it operates. A review of the information sought to be protected does not support CBLD's position in this regard.

The information sought to be protected consists of the Gross Operating Revenues report, an income statement showing the major categories of revenues and expenses, a balance sheet showing the major categories of assets and liabilities, a statement of cash flows and the number of Kentucky business and residential customers. The information is general in nature, does not provide any analysis or insight into any specific segment of CBLD's market, and would be of no significant value to CBLD's competitors. Furthermore, minutes of use are not included in the information and it cannot be used to determine CBLD's average revenue per minute. Therefore, the petition should be denied.

This Commission being otherwise sufficiently advised,

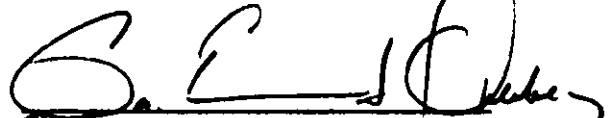
IT IS ORDERED that:

1. The petition to protect as confidential the Annual Reports for 1985 through 1990 be and is hereby denied.


2. The information sought to be protected from disclosure shall be held as confidential and proprietary for 5 working days from the date of this Order, at the expiration of which, it shall be placed in the public record.

Done at Frankfort, Kentucky, this 3rd day of May, 1991.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director